

**REMARKS**

By this amendment, claims 25 and 29-31 have been amended. Claims 24 and 28 have been cancelled. Claims 25-27 and 29-31 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claim 25 has been rewritten into independent form and further amended to remove the previously added phrase "optimum recording-state targeted" value. This was an error in a previous amendment, and has now been corrected to refer to "said value in accordance with a reproduction signal reproduced from said disk-type recording medium." This value corresponds to the B-value shown in FIGS. 20 and 23 of the specification.

Claims 29-31 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Reconsideration is respectfully requested. The claims have been amended to overcome the concerns raised in the Office Action. The claims as amended are believed to be in full compliance with 35 U.S.C. § 112.

Claims 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu et al. (US 5,592,463) in view of Gage et al. (US 5,903,537). Applicants respectfully traverse this rejection.

In order to establish a *prima facie* case of obviousness "the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2142. Neither Muramatsu et al. nor Gage et al., even when considered in combination, teach or suggest all limitations of claim 25. Claim 25 recites, *inter alia*, "[a]n information recording device ... comprising: [means for] determin[ing] an optimum recording power at [a] basic linear velocity; and ... storing a value in

accordance with a reproduction signal ... as an optimum recording-state targeted value, when a recording is performed ... with said optimum recording power. Claim 25 further recites "setting a recording-state targeted value according to a result of a ... calculation performed to said optimum recording-state targeted value, when the recording is performed at [a] linear velocity different from the ... basic linear velocity; and correcting said recording power by comparing said recording-state targeted value with said value in accordance with a reproduction signal." (Emphasis added.) Thus, the recording power is corrected by comparing a value determined and stored from a basic linear velocity to a value determined and stored from a different linear velocity. Muramatsu et al. does not teach or suggest such a limitation.

Muramatsu et al. teaches that a recording power P2 for a video recording speed can be calculated from a recording power P1 obtained by test writing at a basic recording speed (audio recording speed). Claim 25 requires that a targeted value of the running Optimum Power Calibration (OPC) is calculated from the value obtained at the basic recording speed and from a different recording speed, which is not taught or suggested by Muramatsu et al.

Gage et al. teaches a correction of a recording power to set the mark formation signal (MF) during recording to be a predetermined value. Nowhere does Gage et al. teach or suggest the method of obtaining the targeted value (MF targeted value) of the running OPC at a recording speed different from the recording speed of test writing. Thus, Gage et al. cannot remedy the deficiency of Muramatsu et al.

According to the above-mentioned feature of claim 25, there is no need to excessively increase the recording speed at test writing since the optimum recording power and the recording condition targeted value at a speed higher than the basic

speed can be obtained by a calculation. Thus, a disc rotation speed can be maintained at a lower speed, which realizes a high-speed recording with a low-cost mechanism.


Since Muramatsu et al. and Gage et al. do not teach or suggest all of the limitations of claim 25, claim 25 and dependent claim 26 are not obvious over the cited references. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of these claims be withdrawn.

Claims 27 and 29-31 depend from claim 25, and should be allowable along with claim 25 and for other reasons. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of these claims be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: April 25, 2005

Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

Rachael Lea Leventhal

Registration No.: 54,266

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicant